

Senate File 2428 - Enrolled

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1 1 SENATE FILE 2428
1 2
1 3 AN ACT
1 4 RELATING TO THE COLLECTION OF DELINQUENT DEBT OWED THE STATE
1 5 AND POLITICAL SUBDIVISIONS OF THE STATE BY REQUIRING
1 6 OFFSETS OF GAMBLING WINNINGS, SANCTIONING OF PROFESSIONAL
1 7 LICENSES, MODIFYING PROVISIONS RELATED TO DEBT AND TAX
1 8 COLLECTION PRACTICES AND FEES, WRITING OFF CERTAIN DELINQUENT
1 9 COURT DEBT, MODIFYING PROVISIONS RELATING TO THE DEPOSIT OF
1 10 CERTAIN FUNDS IN THE JURY AND WITNESS FEE FUND, AND MAKING
1 11 PENALTIES APPLICABLE.
1 12
1 13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 14
1 15 DIVISION I
1 16 GAMBLING SETOFF
1 17 Section 1. Section 99D.2, Code 2007, is amended by adding
1 18 the following new subsection:
1 19 NEW SUBSECTION. 2A. "Claimant agency" means a state
1 20 agency as defined in section 8A.504, subsection 1, or the
1 21 state court administrator as defined in section 602.1101.
1 22 Sec. 2. Section 99D.7, Code 2007, is amended by adding the
1 23 following new subsection:
1 24 NEW SUBSECTION. 22A. To require licensees to establish a
1 25 process with the state for licensees to have electronic access
1 26 to names and social security numbers of debtors of claimant
1 27 agencies through a secured interactive web site maintained by
1 28 the state.
1 29 Sec. 3. NEW SECTION. 99D.28 SETOFF.
1 30 1. A licensee or a person acting on behalf of a licensee
1 31 shall be provided electronic access to the names of the
1 32 persons indebted to a claimant agency pursuant to the process
1 33 established pursuant to section 99D.7, subsection 22A. The
1 34 electronic access provided by the claimant agency shall
1 35 include access to the names of the debtors, their social
2 1 security numbers, and any other information that assists the
2 2 licensee in identifying the debtors. If the name of a debtor
2 3 provided to the licensee through electronic access is
2 4 retrieved by the licensee, and the winnings are equal to or
2 5 greater than ten thousand dollars per occurrence, the
2 6 retrieval of such a name shall constitute a valid lien upon
2 7 and claim of lien against the winnings of the debtor whose
2 8 name is electronically retrieved from the claimant agency. If
2 9 a debtor's winnings are equal to or greater than ten thousand
2 10 dollars per occurrence, the full amount of the debt shall be
2 11 collectible from any winnings due the debtor without regard to
2 12 limitations on the amounts that may be collectible in
2 13 increments through setoff or other proceedings.
2 14 2. The licensee is authorized and directed to withhold any
2 15 winnings of a debtor which are paid out directly by the
2 16 licensee subject to the lien created by this section and
2 17 provide notice of such withholding to the winner when the
2 18 winner appears and claims winnings in person. The licensee
2 19 shall pay the funds over to the collection entity which
2 20 administers the setoff program pursuant to section 8A.504.
2 21 3. Notwithstanding any other provision of law to the
2 22 contrary, the licensee may provide to a claimant agency all
2 23 information necessary to accomplish and effectuate the intent
2 24 of this section, and likewise the claimant agency may provide
2 25 all information necessary to accomplish and effectuate the
2 26 intent of this section.
2 27 4. The information obtained by a claimant agency from the
2 28 licensee in accordance with this section shall retain its
2 29 confidentiality and shall only be used by a claimant agency in
2 30 the pursuit of its debt collection duties and practices. An
2 31 employee or prior employee of a claimant agency who unlawfully
2 32 discloses any such information for any other purpose, except
2 33 as otherwise specifically authorized by law, shall be subject
2 34 to the penalties specified by law for unauthorized disclosure
2 35 of confidential information by an agent or employee of the
3 1 claimant agency.
3 2 5. The information obtained by a licensee from a claimant
3 3 agency in accordance with this section shall retain its

3 4 confidentiality and only be used by the licensee in the
3 5 pursuit of debt collection duties and practices. An employee
3 6 or prior employee of a licensee who unlawfully discloses any
3 7 such information for any other purpose, except as otherwise
3 8 specifically authorized by law, shall be subject to the same
3 9 penalties specified by law for unauthorized disclosure of
3 10 confidential information by an agent or employee of the
3 11 licensee.

3 12 6. Except as otherwise provided in this chapter,
3 13 attachments, setoffs, or executions authorized and issued
3 14 pursuant to law shall be withheld if timely served upon the
3 15 licensee.

3 16 7. A claimant agency or licensee, acting in good faith,
3 17 shall not be liable for actions taken to comply with this
3 18 section.

3 19 Sec. 4. Section 99F.1, Code Supplement 2007, is amended by
3 20 adding the following new subsection:

3 21 NEW SUBSECTION. 3A. "Claimant agency" means a state
3 22 agency as defined in section 8A.504, subsection 1, or the
3 23 state court administrator as defined in section 602.1101.

3 24 Sec. 5. Section 99F.4, Code Supplement 2007, is amended by
3 25 adding the following new subsection:

3 26 NEW SUBSECTION. 26. To require licensees to establish a
3 27 process with the state for licensees to have electronic access
3 28 to names and social security numbers of debtors of claimant
3 29 agencies through a secured interactive web site maintained by
3 30 the state.

3 31 Sec. 6. NEW SECTION. 99F.19 SETOFF.

3 32 1. A licensee or a person acting on behalf of a licensee
3 33 shall be provided electronic access to the names of the
3 34 persons indebted to a claimant agency pursuant to the process
3 35 established pursuant to section 99F.4, subsection 26. The
4 1 electronic access provided by the claimant agency shall
4 2 include access to the names of the debtors, their social
4 3 security numbers, and any other information that assists the
4 4 licensee in identifying the debtors. If the name of a debtor
4 5 provided to the licensee through electronic access is
4 6 retrieved by the licensee, and the winnings are equal to or
4 7 greater than ten thousand dollars per occurrence, the
4 8 retrieval of such a name shall constitute a valid lien upon
4 9 and claim of lien against the winnings of the debtor whose
4 10 name is electronically retrieved from the claimant agency. If
4 11 a debtor's winnings are equal to or greater than ten thousand
4 12 dollars per occurrence, the full amount of the debt shall be
4 13 collectible from any winnings due the debtor without regard to
4 14 limitations on the amounts that may be collectible in
4 15 increments through setoff or other proceedings.

4 16 2. The licensee is authorized and directed to withhold any
4 17 winnings of a debtor which are paid out directly by the
4 18 licensee subject to the lien created by this section and
4 19 provide notice of such withholding to the winner when the
4 20 winner appears and claims winnings in person. The licensee
4 21 shall pay the funds over to the collection entity which
4 22 administers the setoff program pursuant to section 8A.504.

4 23 3. Notwithstanding any other provision of law to the
4 24 contrary, the licensee may provide to a claimant agency all
4 25 information necessary to accomplish and effectuate the intent
4 26 of this section, and likewise the claimant agency may provide
4 27 all information necessary to accomplish and effectuate the
4 28 intent of this section.

4 29 4. The information obtained by a claimant agency from the
4 30 licensee in accordance with this section shall retain its
4 31 confidentiality and shall only be used by a claimant agency in
4 32 the pursuit of its debt collection duties and practices. An
4 33 employee or prior employee of a claimant agency who unlawfully
4 34 discloses any such information for any other purpose, except
4 35 as otherwise specifically authorized by law, shall be subject
5 1 to the penalties specified by law for unauthorized disclosure
5 2 of confidential information by an agent or employee of the
5 3 claimant agency.

5 4 5. The information obtained by a licensee from a claimant
5 5 agency in accordance with this section shall retain its
5 6 confidentiality and only be used by the licensee in the
5 7 pursuit of debt collection duties and practices. An employee
5 8 or prior employee of a licensee who unlawfully discloses any
5 9 such information for any other purpose, except as otherwise
5 10 specifically authorized by law, shall be subject to the same
5 11 penalties specified by law for unauthorized disclosure of
5 12 confidential information by an agent or employee of the
5 13 licensee.

5 14 6. Except as otherwise provided in this chapter,

5 15 attachments, setoffs, or executions authorized and issued
5 16 pursuant to law shall be withheld if timely served upon the
5 17 licensee.
5 18 7. A claimant agency or licensee, acting in good faith,
5 19 shall not be liable for actions taken to comply with this
5 20 section.

5 21 DIVISION II
5 22 LICENSING SANCTIONS

5 23 Sec. 7. NEW SECTION. 272D.1 DEFINITIONS.

5 24 As used in this chapter, unless the context otherwise
5 25 requires:

5 26 1. "Certificate of noncompliance" means a document
5 27 provided by the unit certifying the named person has
5 28 outstanding liability placed with the unit and has not entered
5 29 into an approved payment plan to pay the liability.

5 30 2. "Liability" means a debt or obligation placed with the
5 31 unit for collection that is greater than one thousand dollars.
5 32 For purposes of this chapter "liability" does not include
5 33 support payments collected pursuant to chapter 252J.

5 34 3. "License" means a license, certification, registration,
5 35 permit, approval, renewal, or other similar authorization
6 1 issued to a person by a licensing authority which evidences
6 2 the admission to, or granting of authority to engage in, a
6 3 profession, occupation, business, industry, or recreation.
6 4 "License" includes licenses for hunting and fishing, or other
6 5 recreational activity.

6 6 4. "Licensee" means a person to whom a license has been
6 7 issued, or who is seeking the issuance of a license.

6 8 5. "Licensing authority" means the supreme court, or an
6 9 instrumentality, agency, board, commission, department,
6 10 officer, organization, or any other entity of the state, which
6 11 has authority within this state to suspend or revoke a license
6 12 or to deny the renewal or issuance of a license authorizing a
6 13 person to engage in a business, occupation, profession,
6 14 recreation, or industry.

6 15 6. "Obligor" means a person with a liability placed with
6 16 the unit.

6 17 7. "Person" means a licensee.

6 18 8. "Unit" means the centralized collection unit of the
6 19 department of revenue.

6 20 9. "Withdrawal of a certificate of noncompliance" means a
6 21 document provided by the unit certifying that the certificate
6 22 of noncompliance is withdrawn and that the licensing authority
6 23 may proceed with issuance, reinstatement, or renewal of the
6 24 person's license.

6 25 Sec. 8. NEW SECTION. 272D.2 PURPOSE AND USE.

6 26 1. Notwithstanding other statutory provisions to the
6 27 contrary, the unit may utilize the process established in this
6 28 chapter to collect liabilities placed with the unit.

6 29 2. Actions initiated by the unit under this chapter shall
6 30 not be subject to contested case proceedings or further review
6 31 pursuant to chapter 17A and any resulting court hearing shall
6 32 be an original hearing before the district court.

6 33 3. Notwithstanding chapter 22, all of the following apply:

6 34 a. Information obtained by the unit under this chapter
6 35 shall be used solely for the purposes of this chapter.

7 1 b. Information obtained by a licensing authority under
7 2 this chapter shall be used solely for the purposes of this
7 3 chapter.

7 4 4. Notwithstanding any other law to the contrary,
7 5 information shall be exchanged by a licensing authority and
7 6 the unit to effectuate this chapter.

7 7 Sec. 9. NEW SECTION. 272D.3 NOTICE TO PERSON OF
7 8 POTENTIAL SANCTION OF LICENSE.

7 9 The unit shall proceed in accordance with this chapter only
7 10 if the unit sends a notice to the person by regular mail to
7 11 the last known address of the person. The notice shall
7 12 include all of the following:

7 13 1. The address and telephone number of the unit and the
7 14 person's unit account number.

7 15 2. A statement that the person may request a conference
7 16 with the unit to contest the action.

7 17 3. A statement that if, within twenty days of mailing of
7 18 the notice to the person, the person fails to contact the unit
7 19 to schedule a conference, the unit shall issue a certificate
7 20 of noncompliance, bearing the person's name, social security
7 21 number, and unit account number, to any appropriate licensing
7 22 authority, certifying that the obligor has an outstanding
7 23 liability placed with the unit.

7 24 4. A statement that in order to stay the issuance of a
7 25 certificate of noncompliance the request for a conference

7 26 shall be in writing and shall be received by the unit within
7 27 twenty days of mailing of the notice to the person.
7 28 5. The names of the licensing authorities to which the
7 29 unit intends to issue a certificate of noncompliance.
7 30 6. A statement that if the unit issues a certificate of
7 31 noncompliance to an appropriate licensing authority, the
7 32 licensing authority shall initiate proceedings to refuse to
7 33 issue or renew, or to suspend or revoke the person's license,
7 34 unless the unit provides the licensing authority with a
7 35 withdrawal of a certificate of noncompliance.

8 1 Sec. 10. NEW SECTION. 272D.4 CONFERENCE.
8 2 1. The person may schedule a conference with the unit
8 3 following mailing of the notice pursuant to section 272D.3, or
8 4 at any time after service of notice of suspension, revocation,
8 5 denial of issuance, or nonrenewal of a license from a
8 6 licensing authority, to challenge the unit's actions under
8 7 this chapter.
8 8 2. The request for a conference shall be made to the unit,
8 9 in writing, and, if requested after mailing of the notice
8 10 pursuant to section 272D.3, shall be received by the unit
8 11 within twenty days following mailing of the notice.
8 12 3. The unit shall notify the person of the date, time, and
8 13 location of the conference by regular mail, with the date of
8 14 the conference to be no earlier than ten days following
8 15 issuance of notice of the conference by the unit. If the
8 16 person fails to appear at the conference, the unit shall issue
8 17 a certificate of noncompliance.
8 18 4. Following the conference, the unit shall issue a
8 19 certificate of noncompliance unless any of the following
8 20 applies:
8 21 a. The unit finds a mistake in the identity of the person.
8 22 b. The unit finds a mistake in determining the amount of
8 23 the liability.
8 24 c. The unit determines the amount of the liability is not
8 25 greater than one thousand dollars.
8 26 d. The obligor enters into an acceptable payment plan.
8 27 e. Issuance of a certificate of noncompliance is not
8 28 appropriate under other criteria established in accordance
8 29 with rules adopted by the department of revenue pursuant to
8 30 chapter 17A.
8 31 5. The unit shall grant the person a stay of the issuance
8 32 of a certificate of noncompliance upon receiving a timely
8 33 written request for a conference, and if a certificate of
8 34 noncompliance has previously been issued, shall issue a
8 35 withdrawal of a certificate of noncompliance if the obligor
9 1 enters into a written agreement with the unit to pay the
9 2 liability.
9 3 6. If the person does not timely request a conference or
9 4 does not pay the total amount of liability owed within twenty
9 5 days of mailing of the notice pursuant to section 272D.3, the
9 6 unit shall issue a certificate of noncompliance.

9 7 Sec. 11. NEW SECTION. 272D.5 WRITTEN AGREEMENT.
9 8 1. The obligor and the unit may enter into a written
9 9 agreement for payment of the liability owed which takes into
9 10 consideration the obligor's ability to pay and other criteria
9 11 established by rule of the department of revenue. The written
9 12 agreement shall include all of the following:
9 13 a. The method, amount, and dates of payments by the
9 14 obligor.
9 15 b. A statement that upon breach of the written agreement
9 16 by the obligor, the unit shall issue a certificate of
9 17 noncompliance to any appropriate licensing authority.
9 18 2. A written agreement entered into pursuant to this
9 19 section does not preclude any other remedy provided by law.
9 20 3. Following issuance of a certificate of noncompliance,
9 21 if the obligor enters into a written agreement with the unit,
9 22 the unit shall issue a withdrawal of the certificate of
9 23 noncompliance to any appropriate licensing authority and shall
9 24 forward a copy of the withdrawal by regular mail to the
9 25 obligor.

9 26 Sec. 12. NEW SECTION. 272D.6 DECISION OF THE UNIT.
9 27 1. If the unit mails a notice to a person pursuant to
9 28 section 272D.3, and the person requests a conference pursuant
9 29 to section 272D.4, the unit shall issue a written decision if
9 30 any of the following conditions exist:
9 31 a. The person fails to appear at a scheduled conference
9 32 under section 272D.4.
9 33 b. A conference is held under section 272D.4.
9 34 c. The obligor fails to comply with a written agreement
9 35 entered into by the obligor and the unit under section 272D.5.
10 1 2. The unit shall send a copy of the written decision to

10 2 the person by regular mail at the person's most recent address
10 3 of record. If the decision is made to issue a certificate of
10 4 noncompliance or to withdraw the certificate of noncompliance,
10 5 a copy of the certificate of noncompliance or of the
10 6 withdrawal of the certificate of noncompliance shall be
10 7 attached to the written decision. The written decision shall
10 8 state all of the following:

10 9 a. That the certificate of noncompliance or withdrawal of
10 10 the certificate of noncompliance has been provided to the
10 11 licensing authorities named in the notice provided pursuant to
10 12 section 272D.3.

10 13 b. That upon receipt of a certificate of noncompliance,
10 14 the licensing authority shall initiate proceedings to suspend,
10 15 revoke, deny issuance, or deny renewal of a license, unless
10 16 the licensing authority is provided with a withdrawal of a
10 17 certificate of noncompliance from the unit.

10 18 c. That in order to obtain a withdrawal of a certificate
10 19 of noncompliance from the unit, the obligor shall enter into a
10 20 written agreement with the unit, comply with an existing
10 21 written agreement with the unit, or pay the total amount of
10 22 liability owed.

10 23 d. That if the unit issues a written decision which
10 24 includes a certificate of noncompliance, the person may
10 25 request a hearing as provided in section 272D.9, before the
10 26 district court. The person may retain an attorney at the
10 27 person's own expense to represent the person at the hearing.
10 28 The review of the district court shall be limited to
10 29 demonstration of a mistake of fact related to the amount of
10 30 the liability owed or the identity of the person.

10 31 3. If the unit issues a certificate of noncompliance, the
10 32 unit shall only issue a withdrawal of the certificate of
10 33 noncompliance if any of the following applies:

10 34 a. The unit or the court finds a mistake in the identity
10 35 of the person.

11 1 b. The unit or the court finds a mistake in the amount
11 2 owed.

11 3 c. The obligor enters into a written agreement with the
11 4 unit to pay the liability owed, the obligor complies with an
11 5 existing written agreement, or the obligor pays the total
11 6 amount of liability owed.

11 7 d. Issuance of a withdrawal of the certificate of
11 8 noncompliance is appropriate under other criteria in
11 9 accordance with rules adopted by the department of revenue
11 10 pursuant to chapter 17A.

11 11 Sec. 13. NEW SECTION. 272D.7 CERTIFICATE OF
11 12 NONCOMPLIANCE == CERTIFICATION TO LICENSING AUTHORITY.

11 13 1. If a person fails to respond to a notice of potential
11 14 license sanction provided pursuant to section 272D.3 or the
11 15 unit issues a written decision under section 272D.6 which
11 16 states that the person is not in compliance, the unit shall
11 17 issue a certificate of noncompliance to any appropriate
11 18 licensing authority.

11 19 2. The certificate of noncompliance shall contain the
11 20 person's name and social security number.

11 21 3. The certificate of noncompliance shall require all of
11 22 the following:

11 23 a. That the licensing authority initiate procedures for
11 24 the revocation or suspension of the person's license, or for
11 25 the denial of the issuance or renewal of a license using the
11 26 licensing authority's procedures.

11 27 b. That the licensing authority provide notice to the
11 28 person, as provided in section 272D.8, of the intent to
11 29 suspend, revoke, deny issuance, or deny renewal of a license
11 30 including the effective date of the action. The suspension,
11 31 revocation, or denial shall be effective no sooner than thirty
11 32 days following provision of notice to the person.

11 33 Sec. 14. NEW SECTION. 272D.8 REQUIREMENTS AND PROCEDURES
11 34 OF LICENSING AUTHORITY.

11 35 1. A licensing authority shall maintain records of
12 1 licensees by name, current known address, and social security
12 2 number. The records shall be made available to the unit in an
12 3 electronic format in order for the unit to match the names of
12 4 the persons with any liability placed with the unit for
12 5 collection.

12 6 2. In addition to other grounds for suspension,
12 7 revocation, or denial of issuance or renewal of a license, a
12 8 licensing authority shall include in rules adopted by the
12 9 licensing authority as grounds for suspension, revocation, or
12 10 denial of issuance or renewal of a license, the receipt of a
12 11 certificate of noncompliance from the unit.

12 12 3. The supreme court shall prescribe rules for admission

12 13 of persons to practice as attorneys and counselors pursuant to
12 14 chapter 602, article 10, which include provisions, as
12 15 specified in this chapter, for the denial, suspension, or
12 16 revocation of the admission for failure to pay a liability
12 17 placed with the unit.

12 18 4. a. A licensing authority that is issued a certificate
12 19 of noncompliance shall initiate procedures for the suspension,
12 20 revocation, or denial of issuance or renewal of licensure to a
12 21 person. The licensing authority shall utilize existing rules
12 22 and procedures for suspension, revocation, or denial of the
12 23 issuance or renewal of a license.

12 24 b. In addition, the licensing authority shall provide
12 25 notice to the person of the licensing authority's intent to
12 26 suspend, revoke, or deny issuance or renewal of a license
12 27 under this chapter. The suspension, revocation, or denial
12 28 shall be effective no sooner than thirty days following
12 29 provision of notice to the person. The notice shall state all
12 30 of the following:

12 31 (1) The licensing authority intends to suspend, revoke, or
12 32 deny issuance or renewal of a person's license due to the
12 33 receipt of a certificate of noncompliance from the unit.

12 34 (2) The person must contact the unit to schedule a
12 35 conference or to otherwise obtain a withdrawal of a
13 1 certificate of noncompliance.

13 2 (3) Unless the unit furnishes a withdrawal of a
13 3 certificate of noncompliance to the licensing authority within
13 4 thirty days of the issuance of the notice under this section,
13 5 the person's license will be revoked, suspended, or denied.

13 6 (4) If the licensing authority's rules and procedures
13 7 conflict with the additional requirements of this section, the
13 8 requirements of this section shall apply. Notwithstanding
13 9 section 17A.18, the person does not have a right to a hearing
13 10 before the licensing authority to contest the authority's
13 11 actions under this chapter but may request a court hearing
13 12 pursuant to section 272D.9 within thirty days of the provision
13 13 of notice under this section.

13 14 5. If the licensing authority receives a withdrawal of a
13 15 certificate of noncompliance from the unit, the licensing
13 16 authority shall immediately reinstate, renew, or issue a
13 17 license if the person is otherwise in compliance with
13 18 licensing requirements established by the licensing authority.

13 19 Sec. 15. NEW SECTION. 272D.9 DISTRICT COURT HEARING.

13 20 1. Following the issuance of a written decision by the
13 21 unit under section 272D.6 which includes the issuance of a
13 22 certificate of noncompliance, or following provision of notice
13 23 to the person by a licensing authority pursuant to section
13 24 272D.8, a person may seek review of the decision and request a
13 25 hearing before the district court by filing an application
13 26 with the district court in the county where the majority of
13 27 the liability was incurred, and sending a copy of the
13 28 application to the unit by regular mail.

13 29 2. An application shall be filed to seek review of the
13 30 decision by the unit or following issuance of notice by the
13 31 licensing authority no later than within thirty days after the
13 32 issuance of the notice pursuant to section 272D.8. The clerk
13 33 of the district court shall schedule a hearing and mail a copy
13 34 of the order scheduling the hearing to the person and the unit
13 35 and shall also mail a copy of the order to the licensing
14 1 authority, if applicable. The unit shall certify a copy of
14 2 its written decision and certificate of noncompliance,
14 3 indicating the date of issuance, and the licensing authority
14 4 shall certify a copy of a notice issued pursuant to section
14 5 272D.8, to the court prior to the hearing.

14 6 3. The filing of an application pursuant to this section
14 7 shall automatically stay the actions of a licensing authority
14 8 pursuant to section 272D.8. The hearing on the application
14 9 shall be scheduled and held within thirty days of the filing
14 10 of the application. However, if the person fails to appear at
14 11 the scheduled hearing, the stay shall be lifted and the
14 12 licensing authority shall continue procedures pursuant to
14 13 section 272D.8.

14 14 4. The scope of review by the district court shall be
14 15 limited to demonstration of the amount of the liability owed
14 16 or the identity of the person.

14 17 5. If the court finds that the unit was in error in
14 18 issuing a certificate of noncompliance, or in failing to issue
14 19 a withdrawal of a certificate of noncompliance, the unit shall
14 20 issue a withdrawal of a certificate of noncompliance to the
14 21 appropriate licensing authority.

14 24 Sec. 16. Section 96.11, subsection 6, paragraph b,
14 25 subparagraph (3), Code Supplement 2007, is amended to read as
14 26 follows:

14 27 (3) Information obtained from an employing unit or
14 28 individual in the course of administering this chapter and an
14 29 initial determination made by a representative of the
14 30 department under section 96.6, subsection 2, as to benefit
14 31 rights of an individual shall not be used in any action or
14 32 proceeding, except in a contested case proceeding or judicial
14 33 review under chapter 17A. However, the department shall make
14 34 information, which is obtained from an employing unit or
14 35 individual in the course of administering this chapter and
15 1 which relates to the employment and wage history of the
15 2 individual, available to a county attorney for the county
15 3 attorney's use in the performance of duties under section
15 4 331.756, subsection 5, or section 602.8107. The department
15 5 shall make such information electronically accessible to the
15 6 county attorney at the county attorney's office, if requested,
15 7 provided the county attorney's office pays the cost of the
15 8 installation of the equipment to provide such access.
15 9 Information in the department's possession which may affect a
15 10 claim for benefits or a change in an employer's rating account
15 11 shall be made available to the interested parties. The
15 12 information may be used by the interested parties in a
15 13 proceeding under this chapter to the extent necessary for the
15 14 proper presentation or defense of a claim.

15 15 Sec. 17. NEW SECTION. 321.11A PERSONAL INFORMATION
15 16 DISCLOSURE == EXCEPTION.

15 17 1. Notwithstanding section 321.11, the department, upon
15 18 request, shall provide personal information that identifies a
15 19 person by the social security number of the person to the
15 20 following:

15 21 a. The department of revenue for the purpose of collecting
15 22 debt.

15 23 b. The judicial branch for the purpose of collecting court
15 24 debt pursuant to section 602.8107.

15 25 c. The department of administrative services for the
15 26 purpose of administering the setoff program pursuant to
15 27 section 8A.504.

15 28 2. The social security number obtained by the department
15 29 of revenue or the judicial branch shall retain its
15 30 confidentiality and shall only be used for the purposes
15 31 provided in this section.

15 32 Sec. 18. Section 321.40, Code Supplement 2007, is amended
15 33 by adding the following new subsection:

15 34 NEW SUBSECTION. 9. a. The clerk of the district court
15 35 shall notify the county treasurer of any delinquent court
16 1 debt, as defined in section 602.8107, which is being collected
16 2 by the county attorney pursuant to section 602.8107,
16 3 subsection 4. The county treasurer shall refuse to renew the
16 4 vehicle registration of the applicant upon such notification
16 5 from the clerk of the district court in regard to such
16 6 applicant.

16 7 b. If the applicant enters into or renews a payment plan
16 8 that is satisfactory to the county attorney or the county
16 9 attorney's designee, the county attorney shall provide the
16 10 county treasurer with written or electronic notice of the
16 11 payment plan within five days of entering into such a plan.
16 12 The county treasurer shall temporarily lift the registration
16 13 hold on an applicant for a period of ten days if the treasurer
16 14 receives such notice in order to allow the applicant to
16 15 register a vehicle for the year. If the applicant remains
16 16 current with the payment plan entered into with the county
16 17 attorney or the county attorney's designee, subsequent lifts
16 18 of registration holds shall be granted without additional
16 19 restrictions.

16 20 Sec. 19. Section 321.210A, subsection 2, Code Supplement
16 21 2007, is amended to read as follows:

16 22 2. If after suspension, the person enters into an
16 23 installment agreement with the county attorney, the county
16 24 attorney's designee, or the centralized collection unit of the
16 25 department of revenue in accordance with section 321.210B to
16 26 pay the fine, penalty, court cost, or surcharge, the person's
16 27 license shall be reinstated by the department upon receipt of
16 28 a report of an executed installment agreement.

16 29 Sec. 20. Section 321.210A, Code Supplement 2007, is
16 30 amended by adding the following new subsection:

16 31 NEW SUBSECTION. 3. If the county attorney or the county
16 32 attorney's designee, while collecting delinquent court debt
16 33 pursuant to section 602.8107, determines that the person has
16 34 been convicted of an additional violation of a law regulating

16 35 the operation of a motor vehicle, the county attorney or the
17 1 county attorney's designee shall notify the clerk of the
17 2 district court of the appropriate case numbers, and the clerk
17 3 of the district court shall notify the department for the
17 4 purpose of instituting suspension procedures pursuant to this
17 5 section.

17 6 Sec. 21. Section 321.210B, Code Supplement 2007, is
17 7 amended to read as follows:

17 8 321.210B INSTALLMENT AGREEMENT.

17 9 1. If a person's fine, penalty, surcharge, or court cost
17 10 is deemed delinquent as provided in section 602.8107,
17 11 subsection 3 2, and the person's driver's license has been
17 12 suspended pursuant to section 321.210A, the person may execute
17 13 an installment agreement with the county attorney, ~~or the~~
17 14 county attorney's designee, or the centralized collection unit
17 15 of the department of revenue to pay the delinquent amount and
17 16 the fee assessed in subsection 7 in installments. Prior to
17 17 execution of the installment agreement, the person shall
17 18 provide the county attorney, ~~or the county attorney's~~
17 19 designee, or the centralized collection unit of the department
17 20 of revenue with a financial statement in order for the parties
17 21 to the agreement to determine the amount of the installment
17 22 payments.

17 23 2. ~~★ If the person enters into an installment agreement~~
17 24 with the county attorney or the county attorney's designee,
17 25 the person shall execute an installment agreement in the
17 26 county where the fine, penalty, surcharge, or court cost was
17 27 imposed. If the county where the fine, penalty, surcharge, or
17 28 court cost was imposed does not have an installment agreement
17 29 program, the person shall execute an installment agreement in
17 30 the person's county of residence. If the county of residence
17 31 does not have an installment agreement program, the person may
17 32 execute an installment agreement with any county attorney or
17 33 county attorney's designee.

17 34 3. The county attorney, ~~or the county attorney's designee,~~
17 35 or the centralized collection unit of the department of
18 1 revenue shall file the installment agreement with the clerk of
18 2 the district court in the county where the fine, penalty,
18 3 surcharge, or court cost was imposed, within five days of
18 4 execution of the agreement.

18 5 4. Upon receipt of an executed installment agreement and
18 6 after the first installment payment, the clerk of the district
18 7 court shall report the receipt of the executed installment
18 8 agreement to the department of transportation.

18 9 5. Upon receipt of the report from the clerk of the
18 10 district court and payment of the reinstatement fee as
18 11 provided in section 321.191, the department shall immediately
18 12 reinstate the driver's license of the person unless the
18 13 driver's license of the person is otherwise suspended,
18 14 revoked, denied, or barred under another provision of law.

18 15 6. If a driver's license is reinstated upon receipt of a
18 16 report of an executed installment agreement the driver shall
18 17 provide proof of financial responsibility pursuant to section
18 18 321A.17, if otherwise required by law.

18 19 7. The civil penalty, if assessed pursuant to section
18 20 321.218A, shall be added to the amount owing under the
18 21 installment agreement. The clerk of the district court shall
18 22 transmit to the department, from the first moneys collected,
18 23 an amount equal to the amount of any civil penalty assessed
18 24 and added to the installment agreement. The department shall
18 25 transmit the money received from the clerk of the district
18 26 court pursuant to this subsection to the treasurer of state
18 27 for deposit in the juvenile detention home fund created in
18 28 section 232.142.

18 29 8. Upon determination by the county attorney, ~~or the~~
18 30 county attorney's designee, or the centralized collection unit
18 31 of the department of revenue that the person is in default,
18 32 the county attorney, ~~or the county attorney's designee, or the~~
18 33 centralized collection unit shall notify the clerk of the
18 34 district court.

18 35 9. The clerk of the district court, upon receipt of a
19 1 notification of a default from the county attorney, ~~or the~~
19 2 county attorney's designee, or the centralized collection unit
19 3 of the department of revenue shall report the default to the
19 4 department of transportation.

19 5 10. Upon receipt of a report of a default from the clerk
19 6 of the district court, the department shall suspend the
19 7 driver's license of a person as provided in section 321.210A.
19 8 For purposes of suspension and reinstatement of the driver's
19 9 license of a person in default, the suspension and any
19 10 subsequent reinstatement shall be considered a suspension

19 11 pursuant to section 321.210A.

19 12 11. If a new fine, penalty, surcharge, or court cost is
19 13 imposed on a person after the person has executed an
19 14 installment agreement with the county attorney, ~~or~~ the county
19 15 attorney's designee, the centralized collection unit of the
19 16 department of revenue, and the new fine, penalty, surcharge,
19 17 or court cost is deemed delinquent as provided in section
19 18 602.8107, subsection 3 2, and the person's driver's license
19 19 has been suspended pursuant to section 321.210A, the person
19 20 may enter into a second installment agreement with the county
19 21 attorney, ~~or~~ county attorney's designee, or the centralized
19 22 collection unit of the department of revenue to pay the
19 23 delinquent amount and the fee, if assessed, in subsection 7 in
19 24 installments.

19 25 12. If an installment agreement is in default, the fine,
19 26 penalty, surcharge, or court cost covered under the agreement
19 27 shall not become part of any new installment agreement.

19 28 13. A person is eligible to enter into five installment
19 29 agreements in the person's lifetime.

19 30 14. Except for the civil penalty if assessed and collected
19 31 pursuant to subsection 7, any amount collected under the
19 32 installment agreement by the county attorney or the county
19 33 attorney's designee shall be distributed as provided in
19 34 section 602.8107, subsection 4, and any amount collected by
19 35 the centralized collection unit of the department of revenue
20 1 shall be deposited with the clerk of the district court for
20 2 distribution under section 602.8108.

20 3 Sec. 22. Section 331.756, subsection 5, paragraph e, Code
20 4 Supplement 2007, is amended by striking the paragraph.

20 5 Sec. 23. Section 423.31, Code 2007, is amended by adding
20 6 the following new subsection:

20 7 NEW SUBSECTION. 7. Notwithstanding any other provision of
20 8 the Code to the contrary, the department shall not attempt to
20 9 collect delinquent sales tax on a transaction involving the
20 10 furnishing of lawn care, landscaping, or tree trimming and
20 11 removal services which occurred more than five years from the
20 12 date of an audit.

20 13 Sec. 24. Section 602.8102, Code Supplement 2007, is
20 14 amended by adding the following new subsection:

20 15 NEW SUBSECTION. 105B. Facilitate the collection of court
20 16 debt pursuant to section 602.8107.

20 17 Sec. 25. Section 602.8107, Code Supplement 2007, is
20 18 amended by striking the section and inserting in lieu thereof
20 19 the following:

20 20 602.8107 COLLECTION OF COURT DEBT.

20 21 1. As used in this section, "court debt" means all fines,
20 22 penalties, court costs, fees, forfeited bail, surcharges under
20 23 chapter 911, victim restitution, restitution for
20 24 court-appointed attorney fees or for expenses of a public
20 25 defender, or fees charged pursuant to section 356.7 or
20 26 904.108.

20 27 2. CLERK OF THE DISTRICT COURT COLLECTION. Court debt
20 28 shall be owed and payable to the clerk of the district court.
20 29 All amounts collected shall be distributed pursuant to
20 30 sections 602.8106 and 602.8108 or as otherwise provided by
20 31 this Code. The clerk may accept payment of an obligation or a
20 32 portion thereof by credit card. Any fees charged to the clerk
20 33 with respect to payment by credit card may be paid from
20 34 receipts collected by credit card.

20 35 a. If the clerk receives payment from a person who is an
21 1 inmate at a correctional institution or who is under the
21 2 supervision of a judicial district department of correctional
21 3 services, the payment shall be applied to the balance owed
21 4 under the identified case number of the case which has
21 5 resulted in the placement of the person at a correctional
21 6 institution or under the supervision of the judicial district
21 7 department of correctional services.

21 8 b. If a case number is not identified, the clerk shall
21 9 apply the payment to the balance owed in the criminal case
21 10 with the oldest judgment against the person.

21 11 c. Payments received under this section shall be applied
21 12 in the following priority order:

21 13 (1) Pecuniary damages as defined in section 910.1,
21 14 subsection 3.

21 15 (2) Fines or penalties and criminal penalty and law
21 16 enforcement initiative surcharges.

21 17 (3) Crime victim compensation program reimbursement.

21 18 (4) Court costs, including correctional fees assessed
21 19 pursuant to sections 356.7 and 904.108, court-appointed
21 20 attorney fees, or public defender expenses.

21 21 d. The court debt is deemed delinquent if it is not paid

21 22 within thirty days after the date it is assessed. An amount
21 23 which was ordered by the court to be paid on a date fixed in
21 24 the future pursuant to section 909.3 is deemed delinquent if
21 25 it is not received by the clerk within thirty days after the
21 26 fixed future date set out in the court order. If an amount
21 27 was ordered to be paid by installments, and an installment is
21 28 not received within thirty days after the date it is due, the
21 29 entire amount of the court debt is deemed delinquent.

21 30 3. COLLECTION BY CENTRALIZED COLLECTION UNIT OF DEPARTMENT
21 31 OF REVENUE. Thirty days after court debt has been assessed,
21 32 or if an installment payment is not received within thirty
21 33 days after the date it is due, the judicial branch may assign
21 34 a case to the centralized collection unit of the department of
21 35 revenue or its designee to collect debts owed to the clerk of
22 1 the district court for a period of sixty days. In addition,
22 2 court debt which is being collected under an installment
22 3 agreement pursuant to section 321.210B which is in default
22 4 that remains delinquent may also be assigned to the
22 5 centralized collection unit of the department of revenue or
22 6 its designee.

22 7 a. The department of revenue may impose a fee established
22 8 by rule to reflect the cost of processing which shall be added
22 9 to the debt owed to the clerk of the district court. Any
22 10 amounts collected by the unit shall first be applied to the
22 11 processing fee. The remaining amounts shall be remitted to
22 12 the clerk of the district court for the county in which the
22 13 debt is owed. The judicial branch may prescribe rules to
22 14 implement this subsection. These rules may provide for
22 15 remittance of processing fees to the department of revenue or
22 16 its designee.

22 17 b. Satisfaction of the outstanding court debt occurs only
22 18 when all fees or charges and the outstanding court debt is
22 19 paid in full. Payment of the outstanding court debt only
22 20 shall not be considered payment in full for satisfaction
22 21 purposes.

22 22 c. The department of revenue or its collection designee
22 23 shall file with the clerk of the district court a notice of
22 24 the satisfaction of each portion of the court debt to the full
22 25 extent of the moneys collected in satisfaction of the court
22 26 debt. The clerk of the district court shall record the notice
22 27 and enter a satisfaction for the amounts collected.

22 28 4. COUNTY ATTORNEY COLLECTION. The county attorney or the
22 29 county attorney's designee may collect court debt sixty days
22 30 after the court debt is deemed delinquent pursuant to
22 31 subsection 2. In order to receive a percentage of the amounts
22 32 collected pursuant to this subsection, the county attorney
22 33 must file annually with the clerk of the district court on or
22 34 before July 1 a notice of full commitment to collect
22 35 delinquent court debt and must file on the first day of each
23 1 month a list of the cases in which the county attorney or the
23 2 county attorney's designee is pursuing the collection of
23 3 delinquent court debt. The list shall include a list of cases
23 4 where delinquent court debt is being collected under an
23 5 installment agreement pursuant to section 321.210B, and a list
23 6 of cases in default which are no longer being collected under
23 7 an installment agreement but remain delinquent. The annual
23 8 notice shall contain a list of procedures which will be
23 9 initiated by the county attorney.

23 10 a. This subsection does not apply to amounts collected for
23 11 victim restitution, the victim compensation fund, the criminal
23 12 penalty surcharge, drug abuse resistance education surcharge,
23 13 the law enforcement initiative surcharge, county enforcement
23 14 surcharge, amounts collected as a result of procedures
23 15 initiated under subsection 5 or under section 8A.504, or fees
23 16 charged pursuant to section 356.7.

23 17 b. Amounts collected by the county attorney or the county
23 18 attorney's designee shall be distributed in accordance with
23 19 paragraphs "c" and "d".

23 20 c. (1) Forty percent of the amounts collected by the
23 21 county attorney or the person procured or designated by the
23 22 county attorney shall be deposited in the general fund of the
23 23 county if the county attorney has filed the notice required by
23 24 this subsection, unless the county attorney has discontinued
23 25 collection efforts on a particular delinquent amount.

23 26 (2) The remaining sixty percent shall be paid to the clerk
23 27 of the district court each fiscal year for distribution under
23 28 section 602.8108. However, if such amount, when added to the
23 29 amount deposited into the general fund of the county pursuant
23 30 to subparagraph (1), exceeds the following applicable
23 31 threshold amount, the excess shall be distributed as provided
23 32 in paragraph "d":

23 33 (a) For a county with a population greater than one
23 34 hundred fifty thousand, an amount up to five hundred thousand
23 35 dollars.
24 1 (b) For a county with a population greater than one
24 2 hundred thousand but not more than one hundred fifty thousand,
24 3 an amount up to four hundred thousand dollars.
24 4 (c) For a county with a population greater than fifty
24 5 thousand but not more than one hundred thousand, an amount up
24 6 to two hundred fifty thousand dollars.
24 7 (d) For a county with a population greater than twenty=six
24 8 thousand but not more than fifty thousand, an amount up to one
24 9 hundred thousand dollars.
24 10 (e) For a county with a population greater than fifteen
24 11 thousand but not more than twenty=six thousand, an amount up
24 12 to fifty thousand dollars.
24 13 (f) For a county with a population equal to or less than
24 14 fifteen thousand, an amount up to twenty=five thousand
24 15 dollars.

24 16 d. Any additional moneys collected by an individual county
24 17 after the distributions in paragraph "c" shall be distributed
24 18 by the state court administrator as follows: forty percent of
24 19 any additional moneys collected by the county attorney or the
24 20 person procured or designated by the county attorney shall be
24 21 deposited in the general fund of the county where the moneys
24 22 were collected; twenty percent of the remaining sixty percent
24 23 collected by the county attorney or the person procured or
24 24 designated by the county attorney shall be deposited with the
24 25 office of the county attorney that collected the moneys; and
24 26 the remainder shall be paid to the clerk of the district court
24 27 for distribution under section 602.8108 or the state court
24 28 administrator may distribute the remainder under section
24 29 602.8108 if the additional moneys have already been received
24 30 by the state court administrator.

24 31 e. (1) A county may enter into an agreement pursuant to
24 32 chapter 28E with one or more other counties for the purpose of
24 33 collecting delinquent court debt pursuant to this subsection.

24 34 (2) Notwithstanding paragraph "c", if a county subject to
24 35 the threshold amount in paragraph "c", subparagraph (2),
25 1 subparagraph subdivision (e) or (f) enters into such an
25 2 agreement exclusively with a county or counties subject to the
25 3 threshold amount in paragraph "c", subparagraph (2),
25 4 subparagraph subdivision (e) or (f), the threshold amount
25 5 applicable to all of the counties combined shall be a single
25 6 threshold amount, equal to the threshold amount attributable
25 7 to the county with the largest population.

25 8 f. The county attorney shall file with the clerk of the
25 9 district court a notice of the satisfaction of each portion of
25 10 the court debt to the full extent of the moneys collected in
25 11 satisfaction of the court debt. The clerk of the district
25 12 court shall record the notice and enter a satisfaction for the
25 13 amounts collected.

25 14 5. ASSIGNMENT TO PRIVATE COLLECTION DESIGNEE.

25 15 a. The judicial branch may contract with a private
25 16 collection designee for the collection of court debt sixty
25 17 days after the court debt in a case is deemed delinquent
25 18 pursuant to subsection 2 if the county attorney is not
25 19 collecting the court debt in a case pursuant to subsection 4.
25 20 The judicial branch shall solicit requests for proposals prior
25 21 to entering into any contract pursuant to this subsection.

25 22 b. The contract shall provide for a collection fee equal
25 23 to twenty=five percent of the amount of the court debt in a
25 24 case deemed delinquent. The collection fee as calculated
25 25 shall be added to the amount of the court debt deemed
25 26 delinquent. The amount of the court debt deemed delinquent
25 27 and the collection fee shall be owed by and collected from the
25 28 defendant. The collection fee shall be used to compensate the
25 29 private collection designee. The contract may also assess the
25 30 private collection designee an initial fee for entering into
25 31 the contract.

25 32 c. The judicial branch may consult with the department of
25 33 revenue and the department of administrative services when
25 34 entering into the contract with the private collection
25 35 designee.

26 1 d. Subject to the provisions of paragraph "b", the amounts
26 2 collected pursuant to this subsection shall be distributed as
26 3 provided in subsection 2. Any initial fee collected by the
26 4 judicial branch shall be deposited into the general fund of
26 5 the state.

26 6 e. The judicial branch or the private collection designee
26 7 shall file with the clerk of the district court a notice of
26 8 the satisfaction of each portion of the court debt to the full

26 9 extent of the moneys collected in satisfaction of the court
26 10 debt. The clerk of the district court shall record the notice
26 11 and enter a satisfaction for the amounts collected.
26 12 6. WRITE OFF OF OLD DEBT. If any portion of the court
26 13 debt in a case remains uncollected after sixty-five years from
26 14 the date of imposition, the judicial branch shall write off
26 15 the debt as uncollectible and close the case file for the
26 16 purposes of collection pursuant to this section.
26 17 7. REPORTS. The judicial branch shall prepare a report
26 18 aging the court debt. The report shall include the amounts
26 19 collected by the private collection designee, the distribution
26 20 of these amounts, and the amount of the fee collected by the
26 21 private collection designee. In addition, the report shall
26 22 include the amounts written off pursuant to subsection 6. The
26 23 judicial branch shall provide the report to the
26 24 co-chairpersons and ranking members of the joint
26 25 appropriations subcommittee on the justice system, the
26 26 legislative services agency, and the department of management
26 27 by December 15 of each year.
26 28 Sec. 26. NEW SECTION. 901.5C PRONOUNCEMENT OF JUDGMENT
26 29 AND SENTENCE == SOCIAL SECURITY NUMBER.
26 30 1. Prior to pronouncement of judgment and sentence
26 31 pursuant to section 901.5, or prior to pleading guilty for an
26 32 offense that does not require a court appearance, the
26 33 defendant shall provide the defendant's social security number
26 34 to the clerk of the district court or the court.
26 35 2. The clerk of the district court shall duly note the
27 1 social security number in the case file.
27 2 3. The defendant's social security number shall be
27 3 considered a confidential record exempted from public access
27 4 under section 22.7, but shall be disclosed by the clerk of the
27 5 district court for the limited purpose of collecting court
27 6 debt pursuant to section 602.8107.
27 7 4. Failure or refusal to provide a social security number
27 8 pursuant to this section shall not delay the pronouncement of
27 9 judgment and sentence pursuant to section 901.5.
27 10 Sec. 27. Section 907.7, Code 2007, is amended to read as
27 11 follows:
27 12 907.7 LENGTH OF PROBATION.
27 13 1. The length of the probation shall be for a term as the
27 14 court shall fix but not to exceed five years if the offense is
27 15 a felony or not to exceed two years if the offense is a
27 16 misdemeanor.
27 17 2. The length of the probation shall not be less than one
27 18 year if the offense is a misdemeanor and shall not be less
27 19 than two years if the offense is a felony.
27 20 3. ~~However, the~~ The court may subsequently reduce the
27 21 length of the probation if the court determines that the
27 22 purposes of probation have been fulfilled and the fees imposed
27 23 under section 905.14 have been paid to or waived by the
27 24 judicial district department of correctional services and that
27 25 court debt collected pursuant to section 602.8107 has been
27 26 paid. The purposes of probation are to provide maximum
27 27 opportunity for the rehabilitation of the defendant and to
27 28 protect the community from further offenses by the defendant
27 29 and others.
27 30 4. In determining the length of the probation, the court
27 31 shall determine what period is most likely to provide maximum
27 32 opportunity for the rehabilitation of the defendant, to allow
27 33 enough time to determine whether or not rehabilitation has
27 34 been successful, and to protect the community from further
27 35 offenses by the defendant and others.
28 1 Sec. 28. Section 907.9, subsections 1, 2, and 4, Code
28 2 2007, are amended to read as follows:
28 3 1. At any time that the court determines that the purposes
28 4 of probation have been fulfilled and ~~any~~ fees imposed under
28 5 ~~sections 815.9 and section 905.14 and court debt collected~~
28 6 pursuant to section 602.8107 have been paid, the court may
28 7 order the discharge of a person from probation.
28 8 2. At any time that a probation officer determines that
28 9 the purposes of probation have been fulfilled and ~~any~~ fees
28 10 imposed under ~~sections 815.9 and section 905.14 and court debt~~
28 11 collected pursuant to section 602.8107 have been paid, the
28 12 officer may order the discharge of a person from probation
28 13 after approval of the district director and notification of
28 14 the sentencing court and the county attorney who prosecuted
28 15 the case.
28 16 4. At the expiration of the period of probation ~~and~~ if the
28 17 fees imposed under ~~sections 815.9 and section 905.14 and court~~
28 18 debt collected pursuant to section 602.8107 have been ~~paid or~~
28 19 ~~on condition that unpaid supervision fees be~~ paid, the court

28 20 shall order the discharge of the person from probation, ~~and~~
28 21 ~~the. If portions of the court debt remain unpaid, the person~~
28 22 ~~shall establish a payment plan with the clerk of the district~~
28 23 ~~court or the county attorney prior to the discharge. The~~
28 24 court shall forward to the governor a recommendation for or
28 25 against restoration of citizenship rights to that person upon
28 26 discharge. A person who has been discharged from probation
28 27 shall no longer be held to answer for the person's offense.
28 28 Upon discharge from probation, if judgment has been deferred
28 29 under section 907.3, the court's criminal record with
28 30 reference to the deferred judgment shall be expunged. The
28 31 record maintained by the state court administrator as required
28 32 by section 907.4 shall not be expunged. The court's record
28 33 shall not be expunged in any other circumstances.

28 34 Sec. 29. Section 909.8, Code 2007, is amended to read as
28 35 follows:

29 1 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
29 2 SURCHARGE.

29 3 The provisions of this chapter governing the payment and
29 4 collection of a fine, except section 909.3A, also apply to the
29 5 payment and collection of surcharges imposed pursuant to
29 6 chapter 911. ~~However, section 909.10 shall not apply to~~
29 7 ~~surcharges assessed under sections 911.3 and 911.4.~~

29 8 Sec. 30. Section 909.10, Code 2007, is repealed.

29 9 Sec. 31. DEPARTMENT OF REVENUE == COLLECTION SYSTEM
29 10 UPGRADE. The director of the department of revenue shall
29 11 enhance the computer assisted collections system of the
29 12 department to the current web-based technical version and
29 13 implement related process and procedure improvements that will
29 14 generate revenue and cost benefits. The director shall
29 15 procure the enhancements from the current vendor, and such
29 16 enhancements shall be considered as an upgrade to that
29 17 vendor's contract with the department.

29 18 Sec. 32. COLLECTION OF DELINQUENT DEBT == PROCESSING OR
29 19 COLLECTION FEE. If court debt is being collected pursuant to
29 20 section 602.8107, as amended by this Act, for court debt
29 21 imposed, assessed, or deemed delinquent prior to the effective
29 22 date of this Act, a processing fee or collection fee shall be
29 23 added to the court debt as provided in this Act.

29 24 Sec. 33. LEGISLATIVE INTENT. It is the intent of the
29 25 general assembly that the judicial branch enter into a
29 26 contract with a private collection designee by August 1, 2008,
29 27 and begin collection efforts pursuant to section 602.8107, as
29 28 amended by this Act, on August 1, 2008.

29 31
29 32 _____
29 33 JOHN P. KIBBIE
29 34 President of the Senate

30 1
30 2 _____
30 3 PATRICK J. MURPHY
30 4 Speaker of the House

30 5 I hereby certify that this bill originated in the Senate and
30 6 is known as Senate File 2428, Eighty-second General Assembly.

30 9
30 10 _____
30 11 MICHAEL E. MARSHALL
30 12 Secretary of the Senate

30 13 Approved _____, 2008

30 15
30 16 _____
30 17 CHESTER J. CULVER
30 17 Governor